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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,095	02/16/2001	Paul H. Feinberg	SONY 3.0-030	6178

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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER
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YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,095

Applicant(s)

FEINBERG, PAUL H.

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3622

## **SECOND ACTION REJECTION**

**(Paper# 9/20/2004)**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

The drawings filed on 6/21/2004 are accepted by the Examiner; however, said drawings are subject to review by the USPTO Official Draftsperson.

### **CLAIM REJECTIONS — 35 U.S.C. §101**

2. **Rejections Maintained.**

### **CLAIM REJECTIONS — 35 U.S.C. §103( a )**

3. **Rejections Maintained.**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3622

4. Claims 1-48 are rejected under 35 U.S.C. §103( a ) as being obvious over DeLorme 5,948,040 (9/7/1999) (herein referred to as "DeLorme").

As per independent claim 1, DeLorme (the ABSTRACT; FIG. 1A; through FIG. 9B; col. 1, ll. 25-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; FIG. 7, ll. 20-67; col. 8, ll. 20-50; col. 10, ll. 1-67; col. 11, ll. 15-25; col. 12, ll. 15-67; col. 13, ll. 20-67; col. 14, ll. 40-60; col. 23, ll. 1-50; col. 24, ll. 1-67; col. 25, ll. 1-65; col. 33, ll. 1-67; col. 35, ll. 9-25 [“audio-visual”]; col. 45, ll. 1-67; col. 71, ll. 60-67; col. 72, ll. 1-67; col. 73, ll. 1-67; col. 74, ll. 1-67; col. 75, ll. 1-67; col. 76, ll. 1067; col. 77, ll. 1-67; col. 78, ll. 1-20; and whole document) implicitly shows all the elements and limitations of claim 1.

DeLorme lacks explicit recitation of the phrase “processing the requested information and location information with at least one processor so as to select audio-visual content based on said request. . . .”; however,

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of DeLorme (the ABSTRACT; FIG. 1A; through FIG. 9B; col. 1, ll. 25-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; FIG. 7, ll. 20-67; col. 8, ll. 20-50; col. 10, ll. 1-67; col. 11, ll. 15-25; col. 12, ll. 15-67; col. 13, ll. 20-67; col. 14, ll. 40-60; col. 23, ll. 1-50; col. 24, ll. 1-67; col. 25, ll. 1-65; col. 33, ll. 1-67; col. 35, ll. 9-25 [“audio-visual”]; col. 45, ll. 1-67; col. 71, ll. 60-67; col. 72, ll. 1-67; col. 73, ll. 1-67; col. 74, ll. 1-67; col. 75, ll. 1-67; col. 76, ll. 1067; col. 77, ll. 1-67; col. 78, ll. 1-20; and whole document; and

Art Unit: 3622

particularly FIG. 9; and col. 35, ll. 9-25) implicitly shows “processing the requested information and location information with at least one processor so as to select audio-visual content based on said request. . . .” and it would have been obvious to modify and interpret the disclosure of DeLorme cited above as implicitly showing “processing the requested information and location information with at least one processor so as to select audio-visual content based on said request. . . .”, because modification and interpretation of the cited disclosure of DeLorme would have provided means of “*focusing and shaping individualized, computer-aided information processes around flexible combinations of place, time, topic and transaction inquires and responses. . . .*” (see DeLorme (col. 7, ll. 55-65), based on the motivation to modify DeLorme so that “*planning can be optimized. . . .*” (see DeLorme (col. 7, ll. 35-40).

As per dependent claims 2-31, DeLorme shows the method of claim 1 and subsequent base claims depending from claim 1.

DeLorme (the ABSTRACT; FIG. 1A; through FIG. 9B; col. 1, ll. 25-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; FIG. 7, ll. 20-67; col. 8, ll. 20-50; col. 10, ll. 1-67; col. 11, ll. 15-25; col. 12, ll. 15-67; col. 13, ll. 20-67; col. 14, ll. 40-60; col. 23, ll. 1-50; col. 24, ll. 1-67; col. 25, ll. 1-65; col. 33, ll. 1-67; col. 35, ll. 9-25; col. 45, ll. 1-67; col. 71, ll. 60-67; col. 72, ll. 1-67; col. 73, ll. 1-67; col. 74, ll. 1-67; col. 75, ll. 1-67; col. 76, ll. 1067; col. 77, ll. 1-67; col. 78, ll. 1-20; and whole document) implicitly shows all of the elements and limitations of claims 2-31;

Art Unit: 3622

however,

DeLorme lacks explicit recitation of some of the elements and limitations of claims 2-31.

“Official Notice” is taken that both the concepts and the advantages of all of the elements and limitations of claims 2-31, were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of DeLorme cited above as showing all of the elements and limitations of claims 2-31, because modification and interpretation of the cited disclosure of DeLorme would have provided means of *“focusing and shaping individualized, computer-aided information processes around flexible combinations of place, time, topic and transaction inquires and responses. . . .”* (see DeLorme (col. 7, ll. 55-65), based on the motivation to modify DeLorme so that *“planning can be optimized. . . .”* (see DeLorme (col. 7, ll. 35-40).

Independent claim 32 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 33-40, DeLorme shows the system of claim 32 and subsequent base claims depending from claim 32.

DeLorme (the ABSTRACT; FIG. 1A; through FIG. 9B; col. 1, ll. 25-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; FIG.

Art Unit: 3622

7, ll. 20-67; col. 8, ll. 20-50; col. 10, ll. 1-67; col. 11, ll. 15-25; col. 12, ll. 15-67; col. 13, ll. 20-67; col. 14, ll. 40-60; col. 23, ll. 1-50; col. 24, ll. 1-67; col. 25, ll. 1-65; col. 33, ll. 1-67; col. 35, ll. 9-25; col. 45, ll. 1-67; col. 71, ll. 60-67; col. 72, ll. 1-67; col. 73, ll. 1-67; col. 74, ll. 1-67; col. 75, ll. 1-67; col. 76, ll. 1067; col. 77, ll. 1-67; col. 78, ll. 1-20; and whole document) implicitly shows all of the elements and limitations of claims 33-40; however,

DeLorme lacks explicit recitation of some of the elements and limitations of claims 33-40.

“Official Notice” is taken that both the concepts and the advantages of all of the elements and limitations of claims 33-40, were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of DeLorme cited above as showing all of the elements and limitations of claims 33-40, because modification and interpretation of the cited disclosure of DeLorme would have provided means of “*focusing and shaping individualized, computer-aided information processes around flexible combinations of place, time, topic and transaction inquires and responses. . . .*” (see DeLorme (col. 7, ll. 55-65), based on the motivation to modify DeLorme so that “*planning can be optimized. . . .*” (see DeLorme (col. 7, ll. 35-40).

As per independent claim 41, DeLorme (the ABSTRACT; FIG. 1A; through FIG. 9B; col. 1, ll. 25-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6,

Art Unit: 3622

ll. 1-67; col. 7, ll. 1-67; FIG. 7, ll. 20-67; col. 8, ll. 20-50; col. 10, ll. 1-67; col. 11, ll. 15-25; col. 12, ll. 15-67; col. 13, ll. 20-67; col. 14, ll. 40-60; col. 23, ll. 1-50; col. 24, ll. 1-67; col. 25, ll. 1-65; col. 33, ll. 1-67; col. 35, ll. 9-25 [“audio-visual”]; col. 45, ll. 1-67; col. 71, ll. 60-67; col. 72, ll. 1-67; col. 73, ll. 1-67; col. 74, ll. 1-67; col. 75, ll. 1-67; col. 76, ll. 1067; col. 77, ll. 1-67; col. 78, ll. 1-20; and whole document) implicitly shows all the elements and limitations of claim 41.

DeLorme lacks explicit recitation of the phrase “neutral content”; however,

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of DeLorme (the ABSTRACT; FIG. 1A; through FIG. 9B; col. 1, ll. 25-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; FIG. 7, ll. 20-67; col. 8, ll. 20-50; col. 10, ll. 1-67; col. 11, ll. 15-25; col. 12, ll. 15-67; col. 13, ll. 20-67; col. 14, ll. 40-60; col. 23, ll. 1-50; col. 24, ll. 1-67; col. 25, ll. 1-65; col. 33, ll. 1-67; col. 35, ll. 9-25 ; col. 45, ll. 1-67; col. 71, ll. 60-67; col. 72, ll. 1-67; col. 73, ll. 1-67; col. 74, ll. 1-67; col. 75, ll. 1-67; col. 76, ll. 1067; col. 77, ll. 1-67; col. 78, ll. 1-20; and whole document; and particularly FIG. 9; and col. 35, ll. 9-25) implicitly shows “neutral content. . . .” and it would have been obvious to modify and interpret the disclosure of DeLorme cited above as implicitly showing “neutral content. . . .”, because modification and interpretation of the cited disclosure of DeLorme would have provided means of “*focusing and shaping individualized, computer-aided information processes around flexible combinations of place, time, topic and transaction inquires and responses. . . .*” (see DeLorme (col. 7, ll. 55-65), based on



Art Unit: 3622

the motivation to modify DeLorme so that “*planning can be optimized. . . .*” (see DeLorme (col. 7, ll. 35-40).

As per dependent claims 42-48, DeLorme shows the system of claim 41 and subsequent base claims depending from claim 41.

DeLorme (the ABSTRACT; FIG. 1A; through FIG. 9B; col. 1, ll. 25-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; FIG. 7, ll. 20-67; col. 8, ll. 20-50; col. 10, ll. 1-67; col. 11, ll. 15-25; col. 12, ll. 15-67; col. 13, ll. 20-67; col. 14, ll. 40-60; col. 23, ll. 1-50; col. 24, ll. 1-67; col. 25, ll. 1-65; col. 33, ll. 1-67; col. 35, ll. 9-25; col. 45, ll. 1-67; col. 71, ll. 60-67; col. 72, ll. 1-67; col. 73, ll. 1-67; col. 74, ll. 1-67; col. 75, ll. 1-67; col. 76, ll. 1067; col. 77, ll. 1-67; col. 78, ll. 1-20; and whole document) implicitly shows all of the elements and limitations of claims 42-48; however,

DeLorme lacks explicit recitation of some of the elements and limitations of claims 42-48..

“Official Notice” is taken that both the concepts and the advantages of all of the elements and limitations of claims 42-48, were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of DeLorme cited above as showing all of the elements and limitations of claims 42-48, because modification and interpretation of the cited disclosure of DeLorme would have provided means of “*focusing and shaping*

Art Unit: 3622

*individualized, computer-aided information processes around flexible combinations of place, time, topic and transaction inquires and responses. . . .*" (see DeLorme (col. 7, ll. 55-65), based on the motivation to modify DeLorme so that "*planning can be optimized. . . .*" (see DeLorme (col. 7, ll. 35-40).

## RESPONSE TO ARGUMENTS

5. Applicant's arguments (Amendment paper# 6/21/2004) have been fully considered but they are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection introduced by the Examiner in the instant Office action.

## CONCLUSION

6. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
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Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

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Serial Number: 09/785,095

(Feinberg)

10

Art Unit: 3622

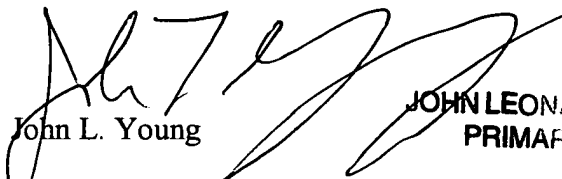
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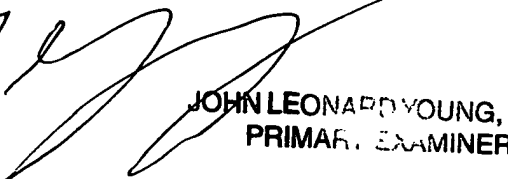
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Primary Patent Examiner

  
JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

September 20, 2004